

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

This is a federal habeas action brought pursuant to 28 U.S.C. § 2254. Petitioner's federal habeas petition is currently ripe for consideration. However, the record thus far provided by the parties is insufficient to allow this Court to proceed to disposition of the petition. In order to adequately address petitioner's claims, this Court must first obtain a transcript of petitioner's Everett Municipal Court criminal proceedings. Accordingly, the Court does hereby ORDER as follows:

(1) Pursuant to Rule 5(c) of the Rules Governing Section 2254 Cases in the United States District Courts, respondent is directed to obtain a transcript of all proceedings which were provided to the Superior Court on compact disc (“CD”) for purposes of petitioner’s appeal, and to provide a copy of that transcript to this Court not later than *January 19, 2007*.¹

¹ The Everett Municipal Court Docket provided by respondent indicates that two CDs were sent to the Superior Court as a part of the record on appeal. (See Dkt. No. 29, Ex. A at 4.)

(2) Petitioner's federal habeas petition is RE-NOTED on the Court's calendar for consideration on *January 19, 2007*.

(3) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent, and to the Honorable John C. Coughenour.

DATED this 13th day of December, 2006.

James P. Donohue

JAMES P. DONOHUE
United States Magistrate Judge

Any proceedings which were provided to the Superior Court on CD should be provided to this Court in transcript form.

**ORDER DIRECTING RESPONDENT
TO SUPPLEMENT THE RECORD - 2**